LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS

54111 BROUGHTON ROAD

MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR

MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
DINO F. BUCCI, JR, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: JANET DUNN, TRUSTEE

ALSO PRESENT: Lawrence Dloski, Legal Counsel

Jerome Schmeiser, Planning Consultant James VanTiflin, Engineering Consultant

(Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and all members of the Board of Trustees was present except for JANET DUNN.

MOTION by KRZEMINSKI seconded by BUCCI to refrain from calling the name of Janet Dunn for any roll call vote this evening.

MOTION carried.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and items 7A, and 22 were added and Items 8, 14 and 15 were tabled to the meeting of February 28, 2007.

MOTION by BUCCI seconded by MALBURG to approve the agenda as amended.

MOTION carried.

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by NEVERS seconded by KRZEMINSKI to approve both bill runs as presented.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on January 10, 2007 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by KRZEMINSKI seconded by NEVERS to approve the minutes of the meeting of January 10, 2007 as presented.

MOTION carried.

4A. Proclamation for Dakota High School

Supervisor BRENNAN presented the following proclamation to Mr. Michael Giannone, Head Football coach of Dakota High School:

PROCLAMATION HONORING DAKOTA HIGH SCHOOL FOOTBALL TEAM DIVISION I STATE CHAMPIONS

MACOMB TOWNSHIP MACOMB COUNTY, MICHIGAN

At a regular meeting of the Macomb Township Board of Trustees held at the Macomb Township Hall at 54111 Broughton Road, Macomb, Michigan on this 22nd day of January, 2007, commencing at 7:00 o'clock p.m., the following Proclamation was officially adopted as a permanent record of the Macomb Township Board.

WHEREAS, the Macomb Township Board of Trustees finds it an honor and privilege to extend congratulations to the Dakota High School Varsity Football Team, the Cougars, on achieving the Division I State Football Championship, and

WHEREAS, the Cougars team achieved the Conference Championship for the Macomb Athletic Conference, Red Division, and became District Champions, and Regional Champions, and running back Greg Gay tied a record (4) for the most touchdowns scored in a finals game, and were recognized as Macomb County Team of the Year by the Macomb Daily; and

WHEREAS, the Township of Macomb also recognizes the dedication of Athletic Director Michael Fusco and Head Coach Michael Giannone for their encouragement and dedication in leading the Dakota High School Cougars to become only the third Macomb County team to win a State Football Championship. Coach Giannone was recognized as Coach of the Year by the Macomb Daily, the Detroit Free Press, the Detroit News (Dream Team), and as Michigan High School Football Coaches Association Division 1 Coach of the Year. Greg Gay (RB) was recognized on the Dream Team All State and First Team All State and James Stallons (QB) was recognized as First Team All State.

NOW, THEREFORE the Macomb Township Board of Trustees hereby proclaims and says, for itself and on behalf of the residents of Township of Macomb, that it hereby extends its special recognition and commendation to the Dakota High School Varsity Football Team for achieving the Division I State Football Championship and bringing honor to the community.

BE IT FURTHER PROCLAIMED, that the original Proclamation will be presented to the Dakota High School Varsity Football Team and their Coaches as a token of the high esteem and recognition in which they are held, and that a copy of this Proclamation will be placed upon the permanent public records of the Township of Macomb.

5. Consent Agenda Items:

A. Clerk's Department:

- 1. Request for Wall Sign Bond Release; Electric Tan, Section 31, Permanent Parcel No. 08-31-100-008.
- 2. Request for Wall Sign Bond Release; McKig Cleaners, Section 28, Permanent Parcel No. 08-28-101-010.
- 3. Request for Model Permit Bond Release; Pinnacle Woods Subdivision, Lot 139, Section 24; 50925 Pinnacle Woods Lane.
- 4. Request for Wall Sign Bond Release; Cottage Inn Pizza, Waldenburg Plaza; Permanent Parcel No. 08-28-101-010.

Supervisor BRENNAN reviewed the items on the consent agenda and asked if any Board member wanted to remove any of them for discussion.

MOTION by KRZEMINSKI seconded by BUCCI to approve the consent agenda as presented.

MOTION carried.

6. **Public Comments**

There were no public comments at this time.

MOTION by MALBURG seconded by KOEHS to close the public comments.

MOTION carried.

PUBLIC HEARINGS

7. Consideration of Community Development Block Grant Projects.

The Public Hearing was opened at 7:10 p.m. and Supervisor Brennan discussed the CDBG funds available and he reviewed the requests for these funds. He then asked if there were any representatives present who were not listed but seeking funds. There was no one.

MOTION by KRZEMINSKI seconded by NEVERS to close the public hearing at this time.

MOTION carried. The public hearing was closed at 7:12 p.m.

7A. Consideration of Building Authority Resolution and Notice of Intent; Bond Issue, Parks and Recreation Center, Phase II.

Mr. Dennis Neiman reviewed the process for municipal bond sales. He advised the Board that the proposed resolution was a necessary part of that public process.

MOTION by KRZEMINSKI seconded by BUCCI to adopt the following resolution:

RESOLUTION APPROVING BUILDING AUTHORITY CONTRACT NOTICE Township of Macomb County of Macomb, State of Michigan

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, State of Michigan (the "Township"), held in said Township, on the 22nd day of January, 2007 at 7:00 o'clock p.m., Eastern Standard Time.

The following preamble and resolution were offered by Member Krzeminski and supported by Member Bucci:

WHEREAS, there exists in and for the Township an imperative need to acquire, construct, furnish and equip recreational park improvements, including site, utility and parking improvements and all related appurtenances and attachments (the "Project"); and

WHEREAS, this Township Board has determined, and does hereby reaffirm, that it is necessary for the public health, safety and welfare of the Township to acquire and construct the Project for the use of the Township; and

WHEREAS, Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended, provides through the procedures of building authority financing a means for the acquisition, construction and financing of the Project; and

WHEREAS, the Township, in accordance with the provisions of said Act 31, as amended, has previously adopted Articles of Incorporation and has established the Macomb Township Building Authority (the "Authority"), with full powers to acquire and construct the Project; and

WHEREAS, this Township Board determines it to be in the best interest of the Township to acquire, construct and finance the Project through the Authority in accordance with the provisions of said Act 31, as amended; and

WHEREAS, a Contract between the Township and the Authority providing for the acquisition, construction and financing of the Project and such matters as are deemed necessary thereto is in the process of being prepared, with the bonds to be issued in one or more series as shall be determined by the Township Board; and

WHEREAS, this Township Board is desirous of publishing a Notice of Intention of Entering into Contract of Lease so as to begin the statutory referendum period;

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Township Board hereby determines it to be necessary for the public health, safety and welfare of the Township to acquire, construct, furnish and equip the Project for the use of the Township.
- 2. This Township Board deems it to be in the best interest of the Township to finance all or part of the cost of acquiring and constructing the Projects through the Authority in accordance with the provisions of the aforesaid Act 31, as amended, in the amount of not to exceed Five Million Dollars (\$5,000,000) with the remaining portion of the cost, if any, of

the Project being defrayed from Township funds on hand and legally available for such use.

- 3. The Notice of Intention of Entering into Contract of Lease as hereto attached shall be published in the *Macomb Daily*, a newspaper of general circulation in the Township, promptly upon adoption of this resolution, said Notice to appear as a display advertisement at least one-quarter (¼) page in size.
- 4. The Township Board does hereby determine that the designated newspaper is the newspaper circulating in the Township which reaches the largest number of persons to whom the aforesaid Notice is directed and that publication of the aforesaid Notice in the designated newspaper represents the most practical and feasible means of informing the taxpayers and electors of the Township of the Projects and the financing thereof. A copy of the Contract shall be placed on file in the office of the Township Clerk and shall be available for public examination no later than 30 days from the date of publication of said Notice of Intent.
- 5. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members: Brennan, Koehs, Malburg, Bucci, Krzeminski, Nevers

NAYS: Members: None ABSENT: Members: Dunn

MOTION carried. RESOLUTION DECLARED ADOPTED.

PLANNING

8. Final Plan for Lakeside Industrial; Located on the east side of Hayes Road, approximately 1,000 feet south of 23 Mile Road; Boulder Construction, Petitioner. Permanent Parcel No. 08-19-300-013. (Tabled from 1-10-07 Board Meeting)

This matter was tabled to the meeting of February 22, 2007.

NEW BUSINESS

9. **Request Authorization for Legal Counsel to Defend**; Future Ltd., LLC vs. Macomb Township.

Supervisor BRENNAN reviewed this matter and stated that it was an administrative issue and he requested a motion for disposition.

MOTION by KOEHS seconded by MALBURG to approve authorize legal counsel to defend the Township in the matter of Future Ltd., LLC vs. Macomb Township.

MOTION carried.

10. Request authorization for Building Official to Obtain Bids to demolish a Residence; Lot Number 552, Plumgrove Subdivision Number 2; 45260 Plumgrove.

Mr. Lawrence Dloski, Township Attorney, reviewed the efforts that have been ongoing to contact the property owners regarding this property. None of the efforts have been successful. He recommends that the Board grant the requested authorization.

MOTION by KRZEMINSKI seconded by NEVERS to approve the request for authorization for Building Official to Obtain Bids to demolish a Residence; Lot Number 552, Plumgrove Subdivision Number 2; 45260 Plumgrove.

MOTION carried.

11. Recommendation for a Single Waste Hauler.

Supervisor BRENNAN reviewed the progress on this matter and asked for a report from the committee. Trustees KRSEMINSKI, BUCCI AND DUNN were part of that committee and Trustee KREMINSKI gave the report.

He indicated that after all of the research was done, and the committee had reviewed the four bids that were received, the committee was recommending that Waste Management, Inc. be selected as the vendor.

Mr. BUCCI stated that it was his opinion that the program most favorable to the most township residents was the one that did not use the container bins and one that averaged the price of the service per month of the five years of the contract.

MOTION by BUCCI seconded by NEVERS to approve a single waste hauler program that does not required the purchase/lease of the container bins, and that averages the cost per month over the five year period of the contract to the amount of fourteen dollars and three cents (\$14.03) per month

AYES: BUCCI, NEVERS, KRZEMINSKI, KOEHS, MALBURG AND BRENNAN

NAYS: NONE ABSENT: DUNN

MOTION carried.

MOTION by KRZEMINSKI seconded by NEVERS to select Waste Management, Inc. as the vendor for the Single Waste Hauler

AYES: KRZEMINSKI, NEVERS, BUCCI, MALBURG, KOEHS AND BRENNAN

NAYS: NONE ABSENT: DUNN

MOTION carried.

12. Request to Adopt a Proclamation; St. Isidore Catholic Church Fiftieth Anniversary.

Clerk KOEHS reviewed the following proposed Proclamation:

Township Of Macomb County of Macomb State of Michigan

Proclamation of the Board of Trustees Honoring the 50th Anniversary of St. Isidore Catholic Church

At a regular meeting of the Macomb Township Board of Trustees that was called to order by Supervisor John D. Brennan on Monday, January 22, 2007 at 7:00 p.m., the following resolution was offered by Member and seconded by Member:

Whereas, ST. ISIDORE CATHOLIC CHURCH was established in Macomb Township on June 23, 1957 and conducted their first services in a three car garage on a farm on 24 Mile Road; and

Whereas, ST. ISIDORE CATHOLIC CHURCH has grown in our community from the original 243 interested residents to 12,579 members; and

Whereas, ST. ISIDORE CATHOLIC CHURCH has been an exemplary institution by providing a focal point for the spiritual, moral and physical needs of our community; and

Whereas, ST. ISIDORE CATHOLIC CHURCH, through its religious leaders, its many volunteers and its dedicated family of parishioners, has contributed to the wholesome living environment of this township, and

Whereas, ST. ISIDORE CATHOLIC CHURCH is now celebrating its' fiftieth year of ministering to the needs of our citizens.

Now Therefore Be It Resolved, that the Macomb Township Board of Trustees, in grateful recognition of the many contributions to our community, hereby proclaims the year of 2007 as the ST. ISIDORE CATHOLIC CHURCH FIFTIETH ANNIVERSARY YEAR in Macomb Township so that this community may honor in the most appropriate manner their exampling of giving to others.

MOTION by NEVERS seconded by KOEHS to adopt the proposed resolution honoring St. Isidore Catholic Church on the occasion of its fiftieth anniversary in the community.

MOTION carried.

13. Request to Adopt a Resolution; Eagle Scout Edward J. Urbin.

Clerk KOEHS reviewed the following proposed Resolution honoring Boy Scout Edward J. Urbin on the occasion of his attaining the rank of Eagle Scout:

Resolution Honoring Eagle Scout Edward J. Urbin

At a regularly scheduled meeting of the Board of Trustees of the Township of Macomb, County of Macomb, State of Michigan held in the Township Hall in said township on the 22nd day of January, 2007 at 7:00 PM the following preamble resolution was offered by member Krzeminski and supported by member Malburg:

Whereas, Edward J. Urbin started his Cub Scouting career with Cub Scout Pack 90 where he earned the Arrow of Light Award; and,

Whereas, Edward J. Urbin continued his scouting career with Boy Scout Troop 90 and has distinguished himself by earning twenty one merit badges; and,

Whereas, Edward J. Urbin has served as, Patrol Leader, Assistant Senior Patrol Leader and Senior Patrol Leader and Quartermaster; and,

Whereas, Edward J. Urbin is an Honor Student and lettered athlete at De La Salle Collegiate High School; and

Whereas, Edward J. Urbin, by his own actions and high moral standards, has made himself a role model to other scouts and his peers by achieving the prestigious rank of Eagle Scout,

Now Therefore Be It Resolved, by the Board of Trustees of the Township of Macomb, County of Macomb, State of Michigan speaking on behalf of all Macomb Township Citizens as follows:

That By These Presents, the Macomb Township Trustees recognize the dedication, commitment and personal sacrifices Edward J. Urbin has made to obtain the rank of Eagle Scout; and.

Be It Further Resolved, that the Macomb Township Board of Trustees hereby commends and publicly extends its congratulations to Edward J. Urbin on his elevation to Eagle Scout and furthers extends its best wishes to Edward in all of his future endeavors:

Now therefore, the Macomb Township Board of Trustees hereby proclaims,

Wednesday, March 7, 2007 Edward J. Urbin Day In Macomb Township

FOR THIS RESOLUTION: Supervisor John Brennan, Clerk Michael D. Koehs, Treasurer Marie Malburg, Trustees Dino F. Bucci Jr., Janet Dunn, Roger Krzeminski and Nancy Nevers.

MOTION by KRZEMINSKI seconded by MALBURG to adopt the Resolution honoring Scout Edward J. Urbin on the occasion of his attaining the rank of Eagle Scout.

MOTION carried.

14. Request to Adopt the Revised CPI Number for Computing Engineering Plan Review Fees.

This item was tabled to the meeting of February 28, 2007.

15. Request to approve the new Engineering Hourly Rate Schedule for 2007.

This item was tabled to the meeting of February 28, 2007.

BUILDING DEPARTMENT

16. Request for Training Approval; Mechanical Inspectors Educational Seminar, Clare MI, March 29 through March 31 2007.

Mr. Bob Beckett, Building Official, reviewed this matter and stated his recommendation of approving the training seminar.

MOTION by KRZEMINSKI seconded by MALBURG to approve the training request for the Mechanical Inspectors Educational Seminar.

MOTION carried.

BOARD COMMENTS

- 17. Supervisor Comments:
 - A. Request to Direct the Planning Commission to initiate the Amendment process for the Zoning Ordinance; regarding the ban on fire burning permits in certain sections of the Township.

Supervisor BRENNAN reviewed this matter and stated the need to rectify this situation regarding the prohibition of open burning permits in certain sections of the Township.

MOTION by KOEHS seconded by BUCCI to approve the request to direct the Planning Commission to initiate the Amendment process for the Zoning Ordinance regarding the ban on fire burning permits in certain sections of the Township.

MOTION carried.

B. **Board of Review Appointment**; Resignation and Vacancy.

Supervisor BRENNAN announced the resignation of Board of Review member Kathy Catanzaros and made his recommendation for a replacement appointment as Dorene Phan.

MOTION by KRZEMINSKI seconded by NEVERS to accept the resignation of Ms. Kathy Catanzaros from the Board of Review.

MOTION carried.

MOTION by KRZEMINSKI seconded by KOEHS to approve the appointment of Ms. Dorene Phan to the Board of Review for a term expiring on December 31, 2007.

MOTION carried.

18. Clerk Comments: NONE

19. Treasurer Comments: NONE

20. Trustees Comments: NONE

EXECUTIVE SESSION

MOTION by BUCCI seconded by KOEHS to Adjourn to Executive Session at 7:48 p.m.

MOTION carried.

The Board returned from Executive session at 8:04 p.m.

21. Troposed Consent Judgment; Sycamore Hollow vs. Macomb Township.

MOTION by KOEHS seconded by NEVERS to authorize legal counsel to sign the revised Consent Judgment as discussed.

MOTION carried.

22. Proposed Consent Judgment; ATR Tax Appeal

MOTION by KOEHS seconded by MALBURG to authorize legal counsel to sign the Consent Judgment as proposed.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by NEVERS to adjourn the Board meeting at 8:06 p.m.

MOTION carried.

Respectfully submitted,

John D. Brennan Macomb Township Supervisor

Michael D. Koehs, CMC Macomb Township Clerk